Yksityisoikeuden alalla ennen siirtymäkauden päättymistä meneillään olevat menettelyt ja vireille pannut oikeudenkäynnit jatkuvat EU:n lainsäädännön mukaisesti. Yhdistyneen kuningaskunnan kanssa yhteisesti sovitun mukaisesti Yhdistynyttä kuningaskuntaa koskevat tiedot säilytetään Euroopan oikeusportaalissa vuoden 2024 loppuun.

How to bring a case to court

Pohjois-Irlanti

1 Do I have to go to court or is there another alternative?

The following paragraphs give a broad outline of the arrangements in Northern Ireland regarding the commencement of proceedings. However, they are not intended and should not be regarded as a comprehensive statement of the law. Detailed procedures are set out in rules of court and, where possible, those rules should be consulted.

Few people are keen to rush to court and most are willing to explore the possibility of an amicable settlement. This can be done on an informal basis without legal support (e.g. by way of meeting, exchange of letters or telephone call) or, more formally, with the assistance of legal representatives or mediators. Only when an agreed settlement has been discounted should thoughts turn to court.

Further information on alternatives to going to court in Northern Ireland can be found on the Law Centre (NI) website

If court action is necessary, you will have to establish the appropriate venue for your case. If your claim is civil in nature, it may, subject to statute, be brought in the High Court. However, the majority of cases proceed in the County Court, where the general financial jurisdiction is currently £30,000. Northern Ireland is divided into Administrative Court divisions and the Administrative Court Guide can help you decide the appropriate venue. The guiding principle is that proceedings should generally be commenced in the Administrative Court Division in which the defendant resides or carries on business (although technically, proceedings can be commenced in any Division).

The Administrative Court Guide can be downloaded from the NICTS's website at http://www.courtsni.gov.uk/en-GB/Documents/Single%20Jurisdiction%20Internet%20Info%20Agreed.pdf However, you may wish to contact the Northern Ireland Courts and Tribunals Service's Communication Team (+44 300 200 7812) if you have any general queries.

2 Is there any time limit to bring a court action?

See the factsheet on Procedural Time Limits.

3 Should I go to a court in this Member State?

See the answer to point 1 and the factsheet on Jurisdiction.

4 If yes, which particular court should I go to in this Member State, given where I live and where the other party lives, or other aspects of my case?

See the answer to point 1 and the factsheet on Jurisdiction.

5 Which particular court should I go to in this Member State, given the nature of my case and the amount at stake?

See the answer to point 1 and the factsheet on Jurisdiction.

6 Can I bring a court action by myself or do I have to go via an intermediary, such as a lawyer?

Generally, a person is free to carry on or defend proceedings in his own right or through a legal representative. However there are some exceptions to this e. g., in the High Court the next friend or guardian ad litem of a person under a disability (e.g. under eighteen) must act through a solicitor. A corporate body must also act through a solicitor, unless the court allows a director to represent the company.

The leave of the court may be required to appear instead of or on behalf of a person.

In both the High Court and the County Court tiers, an un-represented person can be accompanied by a friend who may advise and take notes. However, the courts may impose conditions/restrictions to ensure that the case proceeds in an orderly manner.

Advocates, lawyers, barristers etc., from within the European Union can act in conjunction with local lawyers.

The High Court deals with the more complex cases and unrepresented persons are the exception, rather than the rule. This is also the case in the County Court. However, legal representation is less common in small claims cases. This is probably because those cases are subject to arbitration and the court arrangements are less formal. However, the value of a claim is unlikely to give a good indication of whether legal representation is required. Sometimes, low value claims can raise difficult questions about liability or contributory negligence. This is one of the reasons why personal injury claims are excluded from the small claims jurisdiction in Northern Ireland.

If you do not want to engage a lawyer, you may wish to seek advice or assistance from the voluntary sector (e.g. a Citizens Advice Bureau) or a statutory body (e.g. Consumer Council for Northern Ireland).

7 To initiate the case, who exactly do I apply to: to the reception office or the office of the clerk of the court or any other administration?

Generally to initiate a case the appropriate paperwork should be lodged in the appropriate court office along with the required fee. Court offices are normally open from 10.00 to 16.30.

Court staff can provide general assistance and informationon the processes but they are, unable to give legal advice or recommend legal representatives. The Law Society of Northern Ireland has a list of local solicitors and the Bar Library can identify local barristers.

8 In which language can I make my application? Can I do it orally or does it have to be in writing? Can I send my application by fax or by e-mail?

Most applications are commenced by a written document, which must be in English. However, oral applications may be made during the course of proceedings.

Documents are usually taken or posted to the relevant court office to be issued. However, once issued, they are to be served in accordance with the court rules. Depending on the document this may be by e-mail, fax, post or by personal service.

If interpreters or translation of documents are required, the parties, not the court, will usually be required to bear the cost.

9 Are there special forms for bringing actions, or, if not, how must I present my case? Are there elements that have to be included in the file?

The rules of court prescribe a wide range of documents for use in various proceedings.

In the High Court, most actions (e.g. a claim for damages for personal injury or death, fraud, damage to property etc.) are commenced by writ of summons, which is issued by the Front of House Office on behalf of the Central Office and Chancery Office. One writ is fee stamped and sealed and the office retains this writ and returns one sealed and stamped original together with the required number of sealed service copies.
The writ can be generally endorsed (with a short statement of the nature of the claim and remedy sought) or specially endorsed (with a full statement of claim).
In the County Court, most cases are commenced by way of civil bill. The civil bill must state the full names and addresses of the parties and the relevant Administrative Court Division. An ordinary civil bill must include "21 day costs" - these are set costs that mean if the defendant pays the debt or damages plus the 21 day costs, the action will be stayed. The particulars of claim (including relevant dates and places) will be set out in the civil bill.
If your case is a small claim there is a special form for this which is available on the Northern Ireland Courts and trribunals Service website.
As a case progresses, other documents may need to be completed. Court staff can provide general assistance with these documents but as stated earlier, they cannot provide legal advice or draft the forms for you.

10 Will I have to pay court charges? If so, when? Will I have to pay a lawyer right from the introduction of my application?

Fees are payable on the issue of a writ, civil bill or small claim and also at various stages in the litigation process. The relevant form is usually stamped with a receipt for the fee. In the County Court tier, this can be done in any court office.
The general policy is that the losing party is responsible for all costs: his own and his opponent's. In the High Court, the costs are assessed on the basis of the work done. In the County Courts, there is a sliding scale of fixed costs that are linked to the value of claim. This helps in predicting the likely cost of litigation, however, in some county court cases the judge has discretion as to the level of costs.
Ordinarily, only a party to proceedings can be awarded, or be liable for, costs. You will have to bear the costs arising from your claim (e.g. witness expenses, travelling expenses, costs of expert evidence) during proceedings. However, if you are successful, you may be able to claim these back.
Please note, that, in small claims cases, costs will usually only be awarded if there is evidence of unreasonable behaviour by one of the parties.
The Enforcement of Judgments Office is responsible for enforcing civil judgments relating to the recovery of money, goods or property in Northern Ireland and can help to try to secure any payments that are due to you if you win your case and the other party does not pay within a reasonable time. There are charges for using the Enforcement of Judgments Office services. More information on the Enforcement of Judgments Office can be found on the Northern Ireland Courts and Tribunals Service website and in the factsheet on Procedures for enforcing a judgment.
The arrangements with regard to lawyers' fees are a matter for lawyer and client. Sometimes staged payments may be required. In other cases, the fees may be paid in full at the conclusion of the proceedings.

11 Can I claim legal aid?

There is a statutory scheme in Northern Ireland for the payment of legal costs out of public funds (the legal aid scheme).
However, certain proceedings are excluded from the scheme (e.g. defamation) and means and merits tests are applied.
A legal aid certificate cannot operate in respect of costs incurred before it was granted.
Further information on the legal aid scheme is available on the Legal Aid pages and on the website of the Law Society of Northern Ireland.

12 From which moment is my action officially considered to have been brought? Will the authorities give me some feedback on whether or not my case has been properly presented?

The issue of a small claim application, civil bill or writ marks the commencement of proceedings for limitation purposes.
If a form is prescribed in legislation any deviation which does not affect the substance or is not intended to mislead will not invalidate the form and any defect can usually be cured by amendment.

13 Will I have detailed information about the timing of subsequent events (such as the time allowed for me to enter an appearance)?

The litigation process is subject to various time limits and, although court staff can respond to specific queries, they will not track the individual stages of a case.
In the High Court, the plaintiff's shall set the action down for trial within 6 weeks from the close of pleadings or such other time allowed by the court, a fee is payable on the setting down. The plaintiff must serve notice of the setting down on the other parties to the action. A certificate of readiness must also be lodged in Personal Injury and Clinical Negligence cases before a date for hearing or review will be given.
If a memorandum of appearance is not lodged and served or the respondent fails to serve a defence the plaintiff can secure judgment by an administrative procedure (although they may have to attend before the Master (a judicial officer) to have damages assessed).
In the County Court the plaintiff must lodge a certificate of readiness if the respondent has served a notice of intention to defend. If the certificate is not lodged after 6 months, the parties must attend before the judge who may give directions for the future conduct of the proceedings. If a notice of intention to defend has not been served, the plaintiff can secure judgment by an administrative procedure (although they may have to attend before the district judge to have damages assessed).
In a small claims case the respondent will be given a fixed time to respond to the claim - called a return date - this is usually 21 days after the claim has been received in the court office. If the respondent returns a 'Notice of Dispute' then the case will be listed before the judge for a court hearing. If a Notice of Dispute is not received, the plaintiff can secure judgment by an administrative procedure (although they may have to attend before the judge to have damages assessed

Related links

Northern Ireland Courts and Tribunals Service
Northern Ireland Legal Services Agency

Last update: 10/09/2021

The national language version of this page is maintained by the respective EJN contact point. The translations have been done by the European Commission service. Possible changes introduced in the original by the competent national authority may not be yet reflected in the translations. Neither the EJN nor the European Commission accept responsibility or liability whatsoever with regard to any information or data contained or referred to in this document. Please refer to the legal notice to see copyright rules for the Member State responsible for this page.